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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK JONATHAN GUZMAN, and
JOSE CRUZ IVAN AISPURO,

Defendants.

CASE NO. 2:19-CR-00232-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER**

DATE: May 10, 2022
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 10, 2022.
2. By this stipulation, the parties request to continue the status conference to **June 28, 2022, at 09:30 AM**, and to exclude time between May 10, 2022, and June 28, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) The Indictment in this case was returned on December 19, 2019. ECF No. 16.

4 c) Counsel for Defendant Guzman, Kelly Babineau, substituted into this case as
5 counsel of record on February 4, 2020. *See* ECF Nos. 20-22.

6 d) Counsel for defendants need additional time to review the discovery, meet with
7 their clients to assess the discovery, conduct necessary investigation, conduct legal research into
8 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise
9 prepare for trial.

10 e) In addition, counsel for defendant Guzman is currently in the fifth week of a
11 homicide trial in state court and counsel for defendant Aispuro has a criminal trial in another
12 case scheduled to begin in late May 2022.

13 f) Counsel for defendants believe that failure to grant the above-requested
14 continuance would deny them the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 g) The government does not object to the continuance.

17 h) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of May 10, 2022, to June 28, 2022,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] on
23 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
24 best interest of the public and the defendant in a speedy trial.

25 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
26 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
27 must commence.

28 IT IS SO STIPULATED.

1 Dated: May 4, 2022

PHILLIP A. TALBERT
United States Attorney

3
4 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

6 Dated: May 4, 2022

7 /s/ Kelly Babineau
Kelly Babineau
Counsel for Defendant
FRANK JONATHAN
GUZMAN

10 Dated: May 4, 2022

11 /s/ David W. Dratman
David W. Dratman
Counsel for Defendant
JOSE CRUZ IVAN AISPURO

13
14 **FINDINGS AND ORDER**

15 IT IS SO FOUND AND ORDERED.

17 Dated: May 04, 2022

18 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE